



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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CONSUMER FRAUDS & PROTECTION BUREAU

November 10, 2020

The Honorable Edgardo Ramos  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: State of New York v. Pennsylvania Higher Educ. Assistance Agency, No. 19-cv-9155 (ER)**

Dear Judge Ramos:

I write to respectfully request that the Court so-order the parties' stipulation, attached as Exhibit A, to amend the Discovery Schedule approved by the Court on May 20, 2020 (Docket No. 65).

Respectfully submitted,

*/s/ Carolyn Fast*  
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*Attorney for Plaintiff the People of the State  
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General of New York*

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PEOPLE OF THE STATE OF NEW YORK,  
by LETITIA JAMES,  
Attorney General of the State of New York,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION  
ASSISTANCE AGENCY, d/b/a  
FEDLOAN SERVICING and AMERICAN  
EDUCATION SERVICES,

Defendant.

No. 19-cv-9155 (ER)

WHEREAS, on January 7, 2020, the Court approved a Joint Discovery Plan in the above-captioned action (Docket No. 31);

WHEREAS, on May 18, 2020, the Court so ordered an amended Joint Discovery Plan in the above-captioned action (Docket No. 63);

WHEREAS, on May 20, 2020, the Court granted an application to amend the Joint Discovery Plan to correct errors in the parties' previously proposed dates (Docket No. 65);

WHEREAS, in light of the need to address certain technological and other issues related to the production of data to the New York State Attorney General's Office, the New York Attorney General's Office and the Pennsylvania Higher Education Assistance Agency (collectively, the "Parties") have agreed to jointly propose a three-month extension to the deadlines in the Joint Discovery Plan:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, on behalf of Parties, that

1. The last date to seek discovery from federal agencies is extended from November 23, 2020 to February 23, 2021.<sup>1</sup>
2. The document production cut-off for the Parties is extended from December 22, 2020 to March 22, 2021.
3. The last date for personal service of interrogatories and requests for admission is extended from March 8, 2021 to June 8, 2021;
4. The fact discovery cut-off is extended from April 16, 2021 to July 16, 2021;
5. The expert disclosure (initial) deadline is extended from April 23, 2021 to July 23, 2021;
6. The expert disclosure (rebuttal) deadline is extended from May 14, 2021 to August 16, 2021;
7. The expert discovery cut-off is extended from June 11, 2021 to September 10, 2021;
8. The last day to file motions, including summary judgment, is extended from July 11, 2021 to October 11, 2021;
9. The joint pretrial statement deadline (no dispositive motion pending) (per Individual Practice 3.A) is extended from July 11, 2021 to October 11, 2021;

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<sup>1</sup> The Parties recognize that either party may seek to obtain discovery from the Department of Education or other federal agencies; as the Parties cannot dictate deadlines for response to federal agencies, the Parties will confer to agree upon reasonable extensions of discovery deadlines to accommodate any delays on the part of federal agencies. If information not reasonably available to a Party prior to February 23, 2021 causes a Party to believe it is necessary to seek discovery from a federal agency after that date, the Parties will confer, and, if unable to reach an agreement as to the necessity, nature, or timing of any further discovery from the agency, will seek the guidance of the Court.

10. The pre-trial filings deadline (per Individual Practice 3.B) is extended from October 11, 2021 to January 11, 2022;
11. The Proposed trial (estimate length: one month) is extended from October 28, 2021 to January 25, 2022.

Dated: November 10, 2020

Respectfully submitted,

/s/ Carolyn M. Fast

Carolyn M. Fast

Jane M. Azia

Laura J. Levine

Sarah E. Trombley

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*Attorneys for Defendant Pennsylvania  
Higher Education Assistance Agency*

SO ORDERED

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Hon. Edgardo Ramos, U.S.D.J.